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January 27, 2006

The Honorable Gregory M. Sleet
United States District Court
Federal Building
844 King Street
Wilmington, Delaware 19801

Re: Felicia Byers v. HSBC Pay Services
Civil Action No. 05-711-GMS

Dear Judge Sleet:

I write to inform the Court that defendant HSBC Pay Services, Inc. ("Household") in the above-referenced matter will not be filing a reply brief in support of its motion to dismiss but will rely on Defendant's Opening Brief in Support of Its Motion to Dismiss. Defendant has reviewed Plaintiff's Answering Brief in Opposition to Defendant's Motion for Summary Judgment and believes that it sufficiently addressed the relevant issues and anticipated defenses in its opening brief. Household would simply point out that none of the affidavits by Plaintiff's neighbors, which merely address the types of issues they have had with the mail system in Middletown, nor the affidavit by her counsel regarding when he first received the right to sue letter, address the sole issue of when Plaintiff first received the right to sue letter mailed to her by the EEOC. Plaintiff's bare assertion in her affidavit that she did not receive the right to sue letter and that the mail in her area is unreliable is not enough to sustain this action. See Arots v. Salesianum School, Inc., C.A. No. 01-334-GMS, 2003 WL 21398017 (D. Del. Jun. 17, 2003).

As such, Defendant respectfully informs the Court that briefing is completed on its Motion to Dismiss and requests that the Court grant its Motion to Dismiss.

Respectfully,



Kelly A. Green

KAG/kdm

cc: Peter T. Dalleo, Clerk (via hand delivery)
Gary W. Aber, Esquire (via e-filing)